

INFO	LOG-00	NP-00	AF-00	AID-00	AMAD-00	USNW-00	CIAE-00
	INL-00	DODE-00	OIGO-00	UTED-00	HHS-01	H-00	TEDE-00
	INR-00	IO-00	LAB-01	NEA-00	DCP-00	NSAE-00	OIC-00
	NIMA-00	PA-00	GIWI-00	SP-00	SS-00	FMP-00	PRM-00
	DRL-00	G-00	SAS-00	SWCI-00	/002R		

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SOURCE: CBLEXCLS.002089

DRAFTED BY: L/HRR:SPROSSER -- 08/24/2005 202-647-2731

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L/NESA: MDENNIS

IO/SHA: TJOHNSON

DRL/MLA:LSICADE

NEA/I: SEPSTEIN

DOD/OSD: RELEASED IN PART
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TO USMISSION GENEVA IMMEDIATE

INFO USMISSION USUN NEW YORK IMMEDIATE

UNCLAS STATE 156447

E.O. 12958: N/A

TAGS: PHUM, UNHCR-1, US

SUBJECT: RESPONSE TO WORKING GROUP ON ARBITRARY DETENTION

REGARDING CASE OF ABDUL JABER AL KUBAISI (GENEVA LOG #8
(2005) CORRECTED COPY

REF: GENEVA 842

1. (U) Following at para 3 below is the USG response to an inquiry regarding the case of Mr. Abdul Jaber Al Kubaisi. A political figure and founder of the weekly newspaper Nida al Watan, Kubaisi was allegedly detained on the night of September 4, 2004, by U.S. forces. He is allegedly being held in Cropper Camp near Baghdad Airport. The Working Group is seeking detailed information regarding Mr. Kubaisi, s detention and current status, as well as relevant legal provisions.

2. (U) Mission is requested to convey this response under cover of a diplomatic note. Text of the response will also be e-mailed to post.

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3. (U) Begin text:

Leila Zerrougui
Working Group on Arbitrary Detention
Geneva, Switzerland

Dear Ms. Zerrougui,

This letter responds to your communication to the U.S. Mission in Geneva regarding Mr. Abdul Jaber Al Kubaisi (alternatively written as Abd-El Jabar Al Kubaysi, Abd Al-Jabbar al-Kubaisi, Abdul Jabar Al Kubaysi, or Abdel-Jaber al-Qubaysi).

The Working Group's inquiry referred to Camp Cropper. Without confirming or denying the presence of any particular detainee, Camp Cropper is a detention facility reserved for high-value security detainees (see Statement for the Record by Brigadier General Joseph J. McMenamin, U.S. Marine Corps, October 2004 available at <http://www.au.af.mil/au/awc/awcgate/congress/mcmenamin6oct04.pdf>).

Security detainees are held by Multi-National Force-Iraq (MNF-I) under the authority of international humanitarian law and United Nations Security Council Resolution (UNSCR) 1546. UNSCR 1546 provides authority for MNF-I security operations, including detention of security internees "where necessary for imperative reasons of security." Since the detention involves international humanitarian law, the United States respectfully submits that the Working Group on Arbitrary Detention does not have the mandate to consider the issue.

As a matter of courtesy we offer the following information. Security detainees are subject to regular review by the Iraqi-majority Combined Review and Release Board, which has the authority to recommend the release of detainees who, in its majority judgment, do not pose an imperative threat to security. U.S. Armed Forces in Iraq are instructed to act consistently with the Geneva Convention provisions on torture and inhumane treatment and to treat all detainees humanely.

Coalition Forces in Iraq do not, as a matter of policy, release the names of individual detainees other than to family members, the Iraqi Government (specifically the Ministry of Human Rights and Labor), and the International Committee of the Red Cross (ICRC). Any interested party may address inquiries and concerns about the welfare of

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individual detainees to the ICRC. The United States invites the family to submit their request for information to the MNF-I, but it cannot comment on behalf of the Iraqi Government or the ICRC as to why the family's efforts to approach the government or the ICRC have been unsuccessful thus far.

The United States remains fully committed to the indispensable work of the Working Group on Arbitrary Detention.

End Text.

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